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EXAMINER	
CHOJNACKI, MELLISSA M	
ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/573,424	GILBERT, LES	
	Examiner	Art Unit	
	MELLISSA M. CHOJNACKI	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/26/2008 & 3/24/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS's) submitted on 3/24/2006 and 9/26/2009 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claims 1-12 are objected to because of the following informalities:

Independent claims 1, and 22 should start with "A". For example claim 1 should start with "**A** system".

Dependent claims 2-21 and 23-42 should begin with "**The**". For example claim 2 should read "**The** system according to claim 1".

Claims 6-7, 12, 27-28, 30, and 33 are objected to because they recites the limitation "**and/or**", which renders the claim unclear. Either "and" or "or" should be reflected with in the claim language in order to avoid confusion because "and" and "or" have two very different meanings (i.e. to include both or chose).

Claims 9 and 30 are objected to because "**synchronisation**" is misspelled and should be spelled "**synchronization**".

3. Claims 5-6, 9-15, 17-18, 20, 26-27, 30-36, 38-39, and 41, are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims cannot depend from any other multiple dependent claims. See MPEP § 608.01(n). All the above claims can refer to another claim that is dependent upon multiple claims. Corrections are required.

Also, claims 32 and 39 are objected to because they recite the limitation "A method according to **any claims**", which is an improper dependency. Appropriate change is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Headings et al. (U.S. Patent Application Publication No. 2002/0143782).

As to claim 1, Headings et al. teaches a system for management and publication of media assets in a distributed network ***(See abstract; paragraph 0006)***, the system including:

a central media database for storing and serving the media assets and media programs for publication of the media assets ***(See abstract; paragraphs 0009; 0027-0028; 0047)***;

one or more output platforms networked to the central media database ***(See abstract; paragraphs 0006-0009; 0027-0028; 0047)***; and

one or more media output devices networked to the one or more output platforms, each output platform storing a local copy of a subset of the media assets and a subset of the media programs, and selectively executing the subset of media programs to publish the subset of media assets at the one or more media output devices ***(See abstract; paragraphs 0009; 0027-0028; 0047, wherein "package" is read on "subset")***.

As to claim 22, Headings et al. teaches a method for management and publication of media assets in a distributed network ***(See abstract; paragraph 0006)***, the method including the steps of:

(a) storing and serving the media assets and media programs for publication of the media assets in a central media database ***(See abstract; paragraphs 0009; 0027-0028; 0047)***;

(b) at one or more output platforms networked to the central media database, storing a local copy of a subset of the media assets and a subset of the media programs ***(See abstract; paragraphs 0006-0009; 0027-0028; 0047)***; and

(c) selectively executing the subset of media programs to publish the subset of media assets at one or more media output devices networked to the one or more output platforms ***(See abstract; paragraphs 0009; 0027-0028; 0047, wherein "package" is read on "subset")***.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2-5, 8, 10-17, 20, 23-26, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headings et al. (U.S. Patent Application Publication No. 2002/0143782) in view of Copley et al. (U.S. Patent Application Publication No. 2003/0061305).

As to claims 2, and 23, Headings et al. does not explicitly teach wherein the central media database includes a content manager for uploading the media assets; wherein the central media database includes a content manager, the method further including the step of uploading the media assets to the central media database.

Copley et al. teaches a system and method for enhancing streaming media delivery and reporting (See abstract), in which he teaches wherein the central media database includes a content manager for uploading the media assets ***(See paragraphs 0043; 0053; 0147, wherein "asset manager server" is read on "content manager");***

wherein the central media database includes a content manager, the method further including the step of uploading the media assets to the central media database ***(See paragraphs 0043; 0053; 0147, wherein "asset manager server" is read on "content manager").***

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Headings et al., to include wherein the central media database includes a content manager for uploading the media assets; wherein the central media database includes a content manager, the method further including the step of uploading the media assets to the central media database.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Headings et al., by the teachings of Copley et al. because wherein the central media database includes a content manager for uploading the media assets; wherein the central media database includes a content manager, the method further including the step of uploading the media assets to the central media database would provide a lower development costs and faster marketing time by providing media asset management and distribution systems that make it easier for customers, or distributors to transfer and publish content (See Copley et al., paragraph 0018).

As to claims 3, and 24, Headings et al. as modified, teaches wherein the content manager enables searching and selection of the subset of media assets and the subset

of media programs, and the assignment of the subset of media assets and the subset of media programs to the one or more output platforms (***See Headings et al., abstract; paragraphs 0009; 0027-0028; 0047, wherein "package" is read on "subset"; also see Copley et al., paragraphs 0043; 0053; 0147, wherein "asset manager server" is read on "content manager");*** enabling searching and selection of the subset of media assets and the subset of media programs from the central media database; and assigning the subset of media assets and the subset of media programs to the one or more output platforms from the content manager ***(See Headings et al., abstract; paragraphs 0009; 0027-0028; 0047, wherein "package" is read on "subset"; also see Copley et al., paragraphs 0043; 0053; 0147, wherein "asset manager server" is read on "content manager")***.

As to claims 4, and 25, Headings et al. as modified, teaches the content manager is accessible from a browser-baser user interface ***(See Copley et al., paragraphs 0022; 0027; 0042-0043; 0053; 0147, wherein "asset manager server" is read on "content manager");*** accessing the content manager from a browser-based user interface ***(See Copley et al., paragraphs 0022; 0027; 0042-0043; 0053; 0147, wherein "asset manager server" is read on "content manager").***

As to claims 5, and 26, Headings et al. as modified, teaches each of the one or more output platforms includes a dynamic display engine for delivery of media output, derived from the subset of media assets and execution of the subset of media

programs, to the one or more media output devices ***(See Headings et al., paragraphs 0055; 0058; also see Copley et al., paragraphs 0027-0029);*** each of the one or more output platforms includes a dynamic display engine, the method further including the step of delivering media output, derived from the subset of media assets and execution of the subset of media programs, to the one or more media output devices from the dynamic display engine ***(See Headings et al., paragraphs 0055; 0058; also see Copley et al., paragraphs 0027-0029).***

As to claims 8, and 29, Headings et al. as modified, teaches wherein the output platform manager includes a multiformat subcomponent for producing reformatted versions of the media assets for simultaneous, parallel publication at the media output devices ***(See Copley et al., paragraphs 0017-0018; 0034-0037);*** producing reformatted versions of the media assets for simultaneous, parallel publication at the media output devices ***(See Copley et al., paragraphs 0017-0018; 0034-0037).***

As to claims 10, and 31, Headings et al. as modified, teaches wherein at least one of the one or more output platforms is a local output platform connected to the central media database from a local installation site ***(See Headings et al., abstract; paragraphs 0008; 0028; 0041; 0051)***; wherein at least one of the one or more output platforms is a local output platform connected to the central media database from a local installation site ***(See Headings et al., abstract; paragraphs 0008; 0028; 0041; 0051).***

As to claims 11, and 32, Headings et al. as modified, teaches wherein at least one of the one or more output platforms is a remote output platform connected to the central media database from a remote installation site ***(See Copley et al., paragraphs 0002-0003; 0021; 0145)***; wherein at least one of the one or more output platforms is a remote output platform connected to the central media database from a remote installation site ***(See Copley et al., paragraphs 0002-0003; 0021; 0145)***.

As to claims 12, and 33, Headings et al. as modified, teaches wherein the central media database further includes a media asset replicator for sharing stored media assets and/or media programs with a further media asset management and publication system ***(See Headings et al., paragraphs 0053-0059; also see Copley et al., paragraph 0041);*** wherein the central media database further includes a media asset replicator, the method further including the step of the media asset replicator, sharing stored media assets and/or media programs with a further media asset management and publication system ***(See Headings et al., paragraphs 0053-0059; also see Copley et al., paragraph 0041).***

As to claims 13, and 34, Headings et al. as modified, teaches an external media asset manager connected to the distributed network for providing remote access to the stored media assets ***(See Copley et al., paragraphs 0002-0003; 0021; 0145);*** providing remote access to the stored media assets from an external media content

manager connected to the distributed network ***(See Copley et al., paragraphs 0002-0003; 0021; 0145).***

As to claims 14, and 35, Headings et al. as modified, teaches one or more distributed terminals connected to the distributed network for providing local access to the stored media assets ***(See Headings et al., abstract; paragraphs 0008; 0028; 0041; 0051)***; providing local access to the stored media assets from one or more distributed terminals connected to the distributed network ***(See Headings et al., abstract; paragraphs 0008; 0028; 0041; 0051)***.

As to claims 15, and 36, Headings et al. as modified, teaches a web server connected to the distributed network for providing web-based access to the stored media assets ***(See Headings et al., paragraphs 0002; 0006; 0027-0028);*** providing web-based access to the stored media assets from a web server ***(See Headings et al., paragraphs 0002; 0006; 0027-0028).***

As to claim 16, and 37, Headings et al. as modified, teaches including a web media extension module, accessible via the web server, for maintaining extended media information about the stored media assets ***(See Headings et al., paragraph 0043, wherein "file extension" is read on "extension module")***; maintaining extended media information about the stored media assets accessible via the web

server from a web media extension module ***(See Headings et al., paragraph 0043, wherein "file extension" is read on "extended media information").***

As to claims 17, and 38, Headings et al. as modified, teaches the media assets include any one or more of image, text, video and audio content ***(See Headings et al., paragraphs 0002; 0007; 0027; 0032);*** the media assets include any one or more of image, text, video and audio content ***(See Headings et al., paragraphs 0002; 0007; 0027; 0032).***

As to claims 20, and 41, Headings et al. teaches user input devices connected to the distributed network to enable user interaction with the published media ***(See Headings et al., paragraphs 0018; 0028-0029; 0035, wherein "graphical user interface" enables a user to interact with the published media);*** enable user interaction with the published media from user input devices ***(See Headings et al., paragraphs 0018; 0028-0029; 0035, wherein "graphical user interface" enables a user to interact with the published media).***

8. Claims 6-7, 9, 21, 27-28, 30 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headings et al. (U.S. Patent Application Publication No. 2002/0143782) in view of Copley et al. (U.S. Patent Application Publication No. 2003/0061305), in further view of Kane (U.S. Patent Application Publication No. 2002/0156702) {As disclosed on the IDS filed 3/24/2006}.

As to claims 6, and 27, Headings et al. as modified, still does not explicitly teach a central media database further includes an output platform update server for determining if the stored subset of the media assets and/or media programs have changed when compared to the local copy stored on each output platform, and, when a change is detected, serving updated media assets and media programs to the one or more output platforms; wherein the central media database further includes an output platform update server, the method further include the steps of: at the output platform update server, determining if the stored subset of the media assets and/or media programs have changed when compared to the local copy stored on each output platform; and when a change is detected, serving updated media assets and media programs to the one or more output platforms.

Kane teaches a system and method for producing, publishing, managing and interacting with E-Commerce on multiple platforms (See abstract), in which he teaches central media database further includes an output platform update server for determining if the stored subset of the media assets and/or media programs have changed when compared to the local copy stored on each output platform, and, when a change is detected, serving updated media assets and media programs to the one or more output platforms ***(See paragraphs 0004; 0013; 0022; 0039***); wherein the central media database further includes an output platform update server, the method further include the steps of: at the output platform update server, determining if the stored subset of the media assets and/or media programs have changed when compared to the local copy stored on each output platform; and when a change is detected, serving

updated media assets and media programs to the one or more output platforms ***(See paragraphs 0004; 0013; 0022; 0039)***.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Headings et al. as modified, to include a central media database further includes an output platform update server for determining if the stored subset of the media assets and/or media programs have changed when compared to the local copy stored on each output platform, and, when a change is detected, serving updated media assets and media programs to the one or more output platforms; wherein the central media database further includes an output platform update server, the method further include the steps of: at the output platform update server, determining if the stored subset of the media assets and/or media programs have changed when compared to the local copy stored on each output platform; and when a change is detected, serving updated media assets and media programs to the one or more output platforms.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Headings et al. as modified, by the teachings of Kane because to include a central media database further includes an output platform update server for determining if the stored subset of the media assets and/or media programs have changed when compared to the local copy stored on each output platform, and, when a change is detected, serving updated media assets and media programs to the one or more output platforms; wherein the central media database further includes an output platform update server, the method further include the steps

of: at the output platform update server, determining if the stored subset of the media assets and/or media programs have changed when compared to the local copy stored on each output platform; and when a change is detected, serving updated media assets and media programs to the one or more output platforms would provide a content management system that would reduce the inefficiencies in managing mirror sites ***(See Kane, paragraph 0014).***

As to claims 7, and 28, Headings et al. as modified, teaches wherein each of the one or more output platforms further includes an output platform manager for initiating a request with the output platform update server to update the locally stored subset of the media assets and/or media programs ***(See Kane, paragraphs 0004; 0013; 0022; 0039);*** wherein each of the one or more output platforms further includes an output platform manager, the method further including the step of at the output platform manager, initiating a request with the output platform update server to update the locally stored subset of the media assets and/or media programs ***(See Kane, paragraphs 0004; 0013; 0022; 0039).***

As to claims 9, and 30, Headings et al. as modified, teaches wherein the central media database and the one or more output platforms both include a file synchronization manager for effecting the serving of media assets and/or media programs between the central media database and the one or more output platforms ***(See Kane, paragraphs 0013-0014; 0242);*** wherein the central media database and

the one or more output platforms both include a file synchronisation manager, the method further including the step of effecting the serving of media assets and/or media programs between the central media database and the one or more output platforms from the file synchronisation managers ***(See Kane, paragraphs 0013-0014; 0242).***

As to claims 21, and 42, Headings et al. teaches the user input devices include any one or more of a smart card, touch screen display, handheld computing device, mobile phone and Braille touch pad ***(See Kane, paragraphs 0005; 0115-0116, wherein "PDA" and "cellular telephone" are read on "handheld computing device" and "mobile phone");*** the user input devices include any one or more of a smart card, touch screen display, handheld computing device, mobile phone and Braille touch pad ***(See Kane, paragraphs 0005; 0115-0116, wherein "PDA" and "cellular telephone" are read on "handheld computing device" and "mobile phone").***

8. Claims 18-19, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headings et al. (U.S. Patent Application Publication No. 2002/0143782) in view of Copley et al. (U.S. Patent Application Publication No. 2003/0061305), in further view of Devine et al. (U.S. Patent No. 6,944,662).

As to claims 18, and 39, Headings et al. as modified, still does not explicitly teach automatic Sensing devices connected to the distributed network for automated triggering of media publication at the media output devices; automatically triggering

media publication at the media output devices from automatic sensing devices connected to the distributed network.

Devine et al. teaches a system and methods providing automatic distributed data retrieval, analysis and reporting services (See abstract), in which he teaches automatic Sensing devices connected to the distributed network for automated triggering of media publication at the media output devices ***(See column 8, lines 59-65);*** automatically triggering media publication at the media output devices from automatic sensing devices connected to the distributed network ***(See column 8, lines 59-65).***

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Headings et al. as modified, to include automatic Sensing devices connected to the distributed network for automated triggering of media publication at the media output devices; automatically triggering media publication at the media output devices from automatic sensing devices connected to the distributed network.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Headings et al. as modified, by the teachings of Devine et al. because to include automatic Sensing devices connected to the distributed network for automated triggering of media publication at the media output devices; automatically triggering media publication at the media output devices from automatic sensing devices connected to the distributed network would provide a system and methods that give organizations and users the capability to realize an efficient and

cost-effective implementation of data retrieval, analysis and reporting services ***(See Devine et al., column 5, lines 26-29).***

As to claims 19, and 40, Headings et al. as modified, teaches the automatic sensing devices include any one or more of a motion sensor and pressure pad ***(See Devine et al. column 8, lines 59-65).***

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELLISSA M. CHOJNACKI whose telephone number is (571)272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 22, 2010
Mmc

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